

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RES-CARE INC.,

No. C-09-03856 EDL (DMR)

Plaintiff,

**ORDER RE HEARING ON JOINT  
MOTION FOR DETERMINATION OF  
GOOD FAITH SETTLEMENT**

v.

ROTO-ROOTER SERVICES COMPANY, et  
al.,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

The Court is in receipt of Plaintiff Res-Care, Inc. and Defendant Leonard Valve Company's Amended Joint Motion for Determination of Good Faith Settlement [Docket No. 309], Defendant Roto-Rooter Services Company's ("Roto-Rooter") Response and Non-Opposition thereto [Docket No. 311], and Defendant Leonard Valve Company's July 26, 2011 letter requesting the Court "consider the motion prior to the August 25, 2011 hearing" [Docket No. 312].

As the Joint Motion is unopposed and it appears that the moving parties do not oppose Defendant Roto-Rooter's request that Roto-Rooter receive appropriate credit for these settlement proceeds, it appears that this matter is suitable for resolution without a hearing pursuant to Civil Local Rule 7-1(b). However, the Court notes that California Code of Civil Procedure section 877.6 provides that the parties "shall be entitled to a hearing on the issue of good faith of a settlement

1 entered into” by a plaintiff and an alleged tortfeasor. Therefore, out of an abundance of caution, any  
2 party that objects to the motion being decided without a hearing must file a statement of objection by  
3 no later than August 8, 2011. If there are no objections, the August 25, 2011 hearing will be taken  
4 off calendar and the motion will be decided on the papers.

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6 IT IS SO ORDERED.

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8 Dated: August 3, 2011

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11 DONNA M. RYU  
12 United States Magistrate Judge  
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